REMARKS

Claims 1-7, 10-18, 21, and 23-26 stand rejected under 35 U.S.C § 102(b) as being anticipated by Farris *et al.* (U.S. Patent No. 6,122,357) (hereafter 'Farris'). As will be shown below, Farris does not anticipate identifying a particular caller as claimed in the present application. Claims 1-7, 10-18, 21, and 23-26 are therefore patentable and should be allowed. Applicants respectfully traverse each rejection individually below and request reconsideration of claims 1-7, 10-18, 21, and 23-26.

Claims 1, 12, and 24 stand rejected under 35 U.S.C § 102(e) as being anticipated by Bates *et al.* (U.S. Patent No. 6,631,181) (hereafter 'Bates'). As will be shown below, Bates does not anticipate identifying a particular caller as claimed in the present application. Claims 1, 12, and 24 are therefore patentable and should be allowed. Applicants respectfully traverse each rejection individually below and request reconsideration of claims 1, 12, and 24.

Claims 8, 19, and 22 stand rejected for obviousness under 35 U.S.C § 103(a) as being unpatentable over Farris in view of Chan (U.S. Patent No. 6,925,166) (hereafter 'Chan'). As will be shown below, neither Farris nor Chan, either alone or in combination, teaches or suggests a method, system, or computer program product for identifying a particular caller as claimed in the present application. Claims 8, 19, and 22 are therefore patentable and should be allowed. Applicants respectfully traverse each rejection individually and request reconsideration of claims 8, 19, and 22.

Claims 9 and 20 stand rejected for obviousness under 35 U.S.C § 103(a) as being unpatentable over Farris in view of Baker, (U.S. Patent No. 5,533,109) (hereafter 'Baker'). As will be shown below, neither Farris nor Baker, either alone or in combination, teaches or suggests a method, system, or computer program product for identifying a particular caller as claimed in the present application. Claims 9 and 20 are therefore patentable and should be allowed. Applicants respectfully traverse each rejection individually and request reconsideration of claims 9 and 20.

Claim Rejections – 35 U.S.C. § 102 Over Farris

Claims 1-7, 10-18, 21, and 23-26 stand rejected under 35 U.S.C § 102(b) as being anticipated by Farris. To anticipate claims 1-7, 10-18, 21, and 23-26 under 35 U.S.C. § 102(b), Farris must disclose each and every element and limitation recited in the claims of the present application. As explained below, Farris does not disclose each and every element and limitation recited in the claims of the present application and therefore does not anticipate claims of the present application.

Farris Does Not Disclose Each and Every Element Of Claim 1 Of The Present Application

"A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). As explained in more detail below, Farris does not disclose each and every element of claim 1, and Farris therefore cannot be said to anticipate the claims of the present application within the meaning of 35 USC § 102(b).

Independent claim 1 claims:

> A method for identifying a particular caller, said method comprising:
>
> detecting a voice utterance at an origin device;
>
> identifying a caller identity associated with said voice utterance at said origin device, such that said caller identity is transmittable as an authenticated identity of said caller for a call.

Farris Does Not Disclose Detecting A Voice Utterance At An Origin Device

The Office Action takes the position that Farris at column 11, lines 32-41, column 19, lines 32-46, and column 35, lines 18-27 discloses the first element of claim 1: detecting a voice utterance at an origin device. Applicants respectfully note in response, however, that what Farris at column 11, lines 32-41, in fact discloses is:

> The IP 23 can provide a wide range of call processing functions, such as message playback and digit collection. In the preferred system, the IP also performs speaker identification/verification (SIV) on audio signals received from users. Specifically, the IP 23 used for the personalized service includes a voice authentication module to perform the necessary speaker identification/verification function. The IP 23 also includes storage for subscriber specific template or voice feature information, for use in identifying and authenticating subscribers based on speech.

In addition, what Farris at column 19, lines 32-46, in fact discloses is:

> In this case, the instruction causes the IP 23 to provide a prompt message over the connection to the caller (step S10). Here, the signal to the caller may be a standard dial tone or any other appropriate audio signal. Preferably, the instruction from the SCP 19 causes the IP 23 to provide an audio announcement prompting the caller to speak personal information. In one preferred example, in step S10 the IP plays an audio prompt message asking the caller, `Please say your full name`. The process may ask for any appropriate identifying information.
>
> The signal received by the IP 23 goes over the lines and through the central office switch(es) for presentation via the off-hook telephone 1.sub.A to the calling party. In response, the caller will speak identifying information into their off-hook telephone, and the network will transport the audio signal to the IP 23 (step S11).

In addition, what Farris at column 35, lines 18-27, in fact discloses is:

> This substitution is accomplished. In this case, the profile for child A contains data information which indicates that child A is permitted to accept a call from child C but that child C is required to authenticate herself. The IP is apprised of this requirement and uses another prompt to the calling party to identify herself. This may be a prompt such as "Who is

> calling?". A template for the voice of child C is maintained in the IP. This template is now used by the IP to verify that the caller is in fact child C. Child C has now been identified and authenticated as the calling party.

That is, Farris at column 11, lines 32-41, column 19, lines 32-46, and column 35, lines 18-27, discloses a network that will transport the audio signal to the IP (Intelligent Peripheral). Farris's network that will transport the audio signal to the IP does not disclose detecting a voice utterance *at an origin device* as claimed in the present application. Farris's IP does not disclose an origin device as claimed here.

In fact, Farris teaches away from detecting a voice utterance *at an origin device* by disclosing Farris's IP as *remotely* connected to the caller (Farris, Figure 1) with an audio signal transported to the IP by the network (column 11, lines 32-41). That is, the present application claims detecting a voice utterance at the origin device, and, in contrast, Farris teaches away with audio transported remotely to an IP. The application describes the advantages of Applicants' invention, at the second paragraph of the Detailed Description of the present application, as:

> One advantage of origin device initiated caller identification includes performing caller identity authentication without requiring use of intermediary network resources. Another advantage of origin device initiated caller identification includes maintaining voice samples of callers at the origin device, rather than releasing the voice samples to an intermediary network.

That is, Applicants' invention does not require the use of intermediary network resources as disclosed in Farris. Farris's network that will transport the audio signal to the IP does not disclose, and in fact teaches away from, detecting a voice utterance at an origin device as claimed in the present application. Farris, by not disclosing the first element of claim 1, does not disclose each and every element and limitation of the claims of the present invention. Because Farris does not disclose each and every element and limitation of Applicants' claims, Farris does not anticipate Applicants' claims, and the rejections under 35 USC § 102(b) should be withdrawn.

Farris Does Not Disclose Identifying A Caller Identity Associated With Said Voice Utterance At Said Origin Device, Such That Said Caller Identity Is Transmittable As An Authenticated Identity Of Said Caller For A Call

The Office Action takes the position that Farris at column 19, line 65 – column 20, line 5, and column 35, lines 18-27, discloses the second element of claim 1: identifying a caller identity associated with said voice utterance at said origin device, such that said caller identity is transmittable as an authenticated identity of said caller for a call. Applicants respectfully note in response, however, that what Farris at column 19, line 65 – column 20, line 5, in fact discloses is:

> When the IP 23 receives input speech and extracts the characteristic information during actual call processing, the IP compares the extracted speech information to stored pattern information, to identity and authenticate the particular caller. In the present example, the voice authentication module 233 in the IP 23 compares the extracted speech information to the stored template or feature data for each subscriber associated with the particular off-hook line.

That is, Farris at column 19, line 65 – column 20, line 5, and column 35, lines 18-27, quoted above, discloses that the IP compares extracted speech information to stored pattern information, to identify and authenticate the particular caller. Farris's IP that compares extracted speech information to stored pattern information, to identify and authenticate the particular caller does not disclose identifying a caller identity associated with said voice utterance *at said origin device*, such that said caller identity is transmittable as an authenticated identity of said caller for a call as claimed in the present application. Farris's IP does not disclose an origin device as claimed in the present application. Because Farris's IP is used to identify and authenticate the particular caller and Farris's IP is not an origin device as claimed in the present application Farris does not disclose identifying a caller identity associated with said voice utterance *at said origin device*, such that said caller identity is transmittable as an authenticated identity of said caller for a call as claimed in the present application. Because Farris does not disclose each and every element and limitation of Applicants' claims, Farris does not

anticipate Applicants' claims, and the rejections under 35 USC § 102(b) should be withdrawn.

Farris Does Not Disclose Each and Every Element Of Claim 31 Of The Present Application

"A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). As explained in more detail below, Farris does not disclose each and every element of claim 31, and Farris therefore cannot be said to anticipate the claims of the present application within the meaning of 35 USC § 102(b).

Independent claim 31 claims:

> A method for identifying a caller, said method comprising:
>
> detecting a biometric input at a biometric enabled origin device;
>
> identifying a caller identity associated with said biometric input at said origin device, such that said caller identity is transmittable as an authenticated identity of said caller for a call.

Farris Does Not Disclose Detecting A Biometric Input At A Biometric Enabled Origin Device

The Office Action takes the position that Farris at column 11, lines 32-41, column 19, lines 32-46, and column 35, lines 18-27, discloses the first element of claim 31: detecting a biometric input at a biometric enabled origin device. Applicants respectfully note in response, however, that what Farris at column 11, lines 32-41, column 19, lines 32-46, and column 35, lines 18-27, quoted above, in fact discloses is a network that will transport the *audio signal* to the IP (Intelligent Peripheral). Farris's network that will transport the *audio signal* to the IP (Intelligent Peripheral) does not disclose detecting a biometric input at a biometric enabled origin device as claimed in the present application.

Applicants disclose various examples of biometric inputs at the fourth paragraph of the Detailed Description of the Preferred Embodiment as follows:

> Voice samples utilized for voice authentication are just one of multiple types of biometric sampling. For example, a caller may locally provide an eye scan, a fingerprint, and other biophysical identifiers that are transmitted within or outside the trusted network to authenticate the identity of the caller.

That is, Applicants include multiple types of biometric sampling other than voice authentication. In contrast, Farris at column 11, lines 32-41, column 19, lines 32-46, and column 35, lines 18-27, makes no mention whatsoever to a biometric input and only discloses speech input and audio input from a caller. Furthermore, Farris does not disclose or even mention, at these reference points or any other reference points, 'biometric,' 'biometric input,' or 'biometric enabled origin device' as claimed in the present application. Farris therefore does not disclose detecting a biometric input at a biometric enabled origin device. Because Farris does not disclose each and every element and limitation of Applicants' claims, Farris does not anticipate Applicants' claims, and the rejections under 35 USC § 102(b) should be withdrawn.

Farris Does Not Disclose Identifying A Caller Identity Associated With Said Biometric Input At Said Origin Device, Such That Said Caller Identity Is Transmittable As An Authenticated Identity Of Said Caller For A Call

The Office Action takes the position that Farris at column 19, line 65 – column 20, line 5, and column 35, lines 18-27, discloses the second element of claim 31: identifying a caller identity associated with said biometric input at said origin device, such that said caller identity is transmittable as an authenticated identity of said caller for a call. Applicants respectfully note in response, however, that what Farris at column 19, line 65 – column 20, line 5, and column 35, lines 18-27, quoted above, in fact discloses is an IP compares extracted speech information to stored pattern information, to identify and authenticate the particular caller. Farris's IP that compares extracted speech information to stored pattern information, to identify and authenticate the particular caller does not

disclose identifying a caller identity associated with said biometric input at said origin device, such that said caller identity is transmittable as an authenticated identity of said caller for a call as claimed in the present application. As explained in detail above, Farris's IP is not an origin device as claimed in the present application and, furthermore, Farris does not disclose a biometric input as claimed in the present application. Farris therefore does not disclose identifying a caller identity associated with said *biometric input at said origin device*, such that said caller identity is transmittable as an authenticated identity of said caller for a call as claimed in the present application. Because Farris does not disclose each and every element and limitation of Applicants' claims, Farris does not anticipate Applicants' claims, and the rejections under 35 USC § 102(b) should be withdrawn.

Farris Does Not Disclose Each and Every Element Of Claims 33 And 36 Of The Present Application

The Office Action takes the position that 33 and 36 are rejected for the same reasons as discussed above with respect to claims 1, 5, and 6. Claim 1 is patentable for the reasons explained above in detail. Claims 33 and 36 then are patentable for the same reasons that claim 1 is patentable under 35 U.S.C. § 102. Because Farris does not disclose each and every element and limitation of Applicants' claims, Farris does not anticipate Applicants' claims, and the rejections under 35 USC § 102(b) should be withdrawn.

Claim Rejections – 35 U.S.C. § 102 Over Bates

Claims 1, 12, and 24 stand rejected under 35 U.S.C § 102(e) as being anticipated by Bates. To anticipate claims 1, 12, and 24 under 35 U.S.C. § 102(e), Bates must disclose each and every element and limitation recited in the claims of the present application. As explained below, Bates does not disclose each and every element and limitation recited in the claims of the present application and therefore does not anticipate claims of the present application.

Bates Does Not Disclose Each and Every Element Of Claim 1 Of The Present Application

"A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). As explained in more detail below, Bates does not disclose each and every element of claim 1, and Bates therefore cannot be said to anticipate the claims of the present application within the meaning of 35 USC § 102(b).

Independent claim 1 claims:

> A method for identifying a particular caller, said method comprising:
>
> detecting a voice utterance at an origin device;
>
> identifying a caller identity associated with said voice utterance at said origin device, such that said caller identity is transmittable as an authenticated identity of said caller for a call.

Bates Does Not Disclose Detecting A Voice Utterance At An Origin Device

The Office Action takes the position that Bates at column 3, lines 41-55, 57-63, and column 4, lines 3-4, discloses the first element of claim 1: detecting a voice utterance at an origin device. Applicants respectfully note in response, however, that what Bates at column 3, lines 41-63, in fact discloses is:

> The term "caller" refers to a person who is typically not a subscriber of a messaging system and who is calling a phone number associated with a subscriber to access the subscriber directly or to leave a message for the subscriber at a messaging system. A caller could, however, also be the subscriber as when calling in from a remote location to check for messages.
>
> Moreover, for the purpose of this invention, the term "caller ID" preferably refers to multiple forms of caller identification that may be

> received via a telephone line. In a preferred embodiment, caller ID is in the form of a name assigned to a telephone number and the ten or more digit telephone number that is captured at a communications switching system. However, caller ID may also be in the form of a number keyed in by a caller or an alternate type of unique identifier for that caller. Moreover, a voice recognition system may be implemented to detect a caller ID as spoken by a caller. In particular, a caller may speak a number, name, or other identifier that is detected and utilized as the caller ID. In addition, the caller's actual voice may be recognizable and vocally matched to a voice byte assigned with a caller ID.

In addition, what Bates at column 4, lines 3-4, in fact discloses is:

> As depicted, a voice messaging systems (VMS) 10 is connected to a switching system 40 that enables communication between subscriber and caller telecommunication terminals 42a-42n. Subscriber and caller telecommunication terminals 42a-42n may include multiple types of telecommunication terminals including, but not limited to, standard telephone systems, modems, cellular telephones, pagers, etc. In addition, switching system 40 may be part of a telecommunications network 46 that may include other telecommunication terminals, other switching systems, and other messaging systems, such as VMS 44.

That is, Bates at column 3, lines 41-55, 57-63, and column 4, lines 3-4, discloses a voice messaging system implemented to detect a caller ID as spoken by a caller. Bates' voice messaging system is located remotely across a switching system (40 on Bates' Figure 1) or a telecommunications network (46 on Bates' Figure 1) from the telecommunications terminals (42 on Bates' Figure 1) where a subscriber's voice input originates. For purposes of subscriber identification, Bates' voice messaging system detects voice utterances at the voice messaging system (10 on Bates' Figure 1), not at the terminals (42 on Bates' Figure 1). Bates' voice messaging system therefore does not disclose detecting a voice utterance *at an origin device* as claimed in the present application. Because Bates does not disclose each and every element and limitation of Applicants' claims, Bates does not anticipate Applicants' claims, and the rejections under 35 USC § 102(e) should be withdrawn.

Bates Does Not Disclose Identifying A Caller Identity Associated With Said Voice Utterance At Said Origin Device, Such That Said Caller Identity Is Transmittable As An Authenticated Identity Of Said Caller For A Call

The Office Action takes the position that Bates at column 3, lines 57-63, discloses the second element of claim 1: identifying a caller identity associated with said voice utterance at said origin device, such that said caller identity is transmittable as an authenticated identity of said caller for a call. Applicants respectfully note in response, however, that what Bates at column 3, lines 57-63, in fact discloses is:

> Moreover, a voice recognition system may be implemented to detect a caller ID as spoken by a caller. In particular, a caller may speak a number, name, or other identifier that is detected and utilized as the caller ID. In addition, the caller's actual voice may be recognizable and vocally matched to a voice byte assigned with a caller ID.

That is, Bates at column 3, lines 41-55, 57-63, and column 4, lines 3-4, discloses a voice messaging system implemented to detect a caller ID as spoken by a caller. Bates' voice messaging system is located remotely across a switching system (40 on Bates' Figure 1) or a telecommunications network (46 on Bates' Figure 1) from the telecommunications terminals (42 on Bates' Figure 1) where a subscriber's voice input originates. For purposes of subscriber identification, Bates' voice messaging system recognizes a caller's actual voice and vocally matches to a voice byte at the voice messaging system (10 on Bates' Figure 1), not at the terminals (42 on Bates' Figure 1). Bates' voice messaging system therefore does not disclose identifying a caller identity associated with said voice utterance *at said origin device* as claimed in the present application. Because Bates does not disclose each and every element and limitation of Applicants' claims, Bates does not anticipate Applicants' claims, and the rejections under 35 USC § 102(e) should be withdrawn.

Claim Rejections – 35 U.S.C. § 103(a)

Claims 8, 19, and 22 stand rejected for obviousness under 35 U.S.C. § 103(a) as being

unpatentable over Farris in view of Chan. To establish a prima facie case of obviousness, the proposed combination of the references must teach or suggest all of the claim limitations of dependent claims 8, 19, and 22. *In re Royka*, 490 F.2d 981, 985, 180 USPQ 580, 583 (CCPA 1974). Dependent claims 8, 19, and 22 depend from independent claims 1 and 12 and include all the limitations of the independent claims from which they depend. In rejecting dependent claims 8, 19, and 22, the Office Action relies on Farris as disclosing each and every element of independent claims 1 and 12. As shown above, Farris in fact does not disclose each and every element of independent claims 1 and 12. Because Farris does not disclose each and every element of independent claims 1 and 12, the combination of Farris and Chan cannot possibly disclose each and every element of dependent claims 8, 19, and 22. The proposed combination of Farris and Chan, therefore, cannot establish a prima facie case of obviousness, and the rejections 35 U.S.C. § 103(a) should be withdrawn.

Claim Rejections – 35 U.S.C. § 103(a)

Claims 9 and 20 stand rejected for obviousness under 35 U.S.C. § 103(a) as being unpatentable over Farris in view of Baker. To establish a prima facie case of obviousness, the proposed combination of the references must teach or suggest all of the claim limitations of dependent claims 9 and 20. *In re Royka*, 490 F.2d 981, 985, 180 USPQ 580, 583 (CCPA 1974). Dependent claims 9 and 20 depend from independent claims 1 and 12 and include all the limitations of the independent claims from which they depend. In rejecting dependent claims 9 and 20, the Office Action relies on Farris as disclosing each and every element of independent claims 1 and 12. As shown above, Farris in fact does not disclose each and every element of independent claims 1 and 12. Because Farris does not disclose each and every element of independent claims 1 and 12, the combination of Farris and Baker cannot possibly disclose each and every element of dependent claims 9 and 20. The proposed combination of Farris and Baker, therefore, cannot establish a prima facie case of obviousness, and the rejections 35 U.S.C. § 103(a) should be withdrawn.

Relations Among Claims

Independent claims 12 and 24 are system and computer program product claims for identifying a particular caller corresponding to independent method claim 1 that include "means for" and "means, recorded on [a] recording medium, for:" identifying a particular caller. As discussed above, Farris does not disclose each and every limitation of claim 1. Therefore, for the same reason that Farris does not disclose a method for identifying a particular caller, Farris also does not disclose systems and computer program products for identifying a particular caller corresponding to independent claims 12 and 24. Independent claims 12 and 24 are therefore patentable and should be allowed.

Claims 2-11, 13-23, and 24-30 depend respectively from independent claims 1, 12, and 24. Each dependent claim includes all of the limitations of the independent claim from which it depends. Because Farris does not disclose each and every element of the independent claims, Farris does not disclose each and every element of the dependent claims of the present application. As such, claims 2-11, 13-23, and 24-30 are also patentable and should be allowed.

Claims 32 and 34-35 depend respectively from independent claims 31, and 33. Each dependent claim includes all of the limitations of the independent claim from which it depends. Because Farris does not disclose each and every element of the independent claims, Farris does not disclose each and every element of the dependent claims of the present application. As such, claims 32 and 34-35 are also patentable and should be allowed.

Conclusion

Claims 1-7, 10-18, 21, and 23-26 stand under 35 U.S.C § 102 as being anticipated by Farris. Farris does not disclose each and every element of Applicants' claims. Farris therefore do not anticipate Applicants' claims. Claims 1-7, 10-18, 21, and 23-26 are

therefore patentable and should be allowed. Applicants respectfully request reconsideration of claims 1-7, 10-18, 21, and 23-26.

Claims 1, 12, and 24 stand under 35 U.S.C § 102 as being anticipated by Bates. Bates does not disclose each and every element of Applicants' claims. Bates therefore do not anticipate Applicants' claims. Claims 1, 12, and 24 are therefore patentable and should be allowed. Applicants respectfully request reconsideration of claims 1, 12, and 24.

Claims 8, 19, and 22 stand rejected under 35 U.S.C § 103 as obvious over Farris in view of Chan. The combination of Farris and Chan does not teach or suggest each and every element of Applicants' claims. Claims 8, 19, and 22 are therefore patentable and should be allowed. Applicants respectfully request reconsideration of claims 8, 19, and 22.

Claims 9 and 20 stand rejected under 35 U.S.C § 103 as obvious over Farris in view of Baker. The combination of Farris and Baker does not teach or suggest each and every element of Applicants' claims. Claims 9 and 20 are therefore patentable and should be allowed. Applicants respectfully request reconsideration of claims 9 and 20.

The Commissioner is hereby authorized to charge or credit Deposit Account No. 09-0447 for any fees required or overpaid.

Respectfully submitted,

Date: November 8, 2006 By: 

John Biggers
Reg. No. 44,537
Biggers & Ohanian, LLP
P.O. Box 1469
Austin, Texas 78767-1469
Tel. (512) 472-9881
Fax (512) 472-9887
ATTORNEY FOR APPLICANTS